

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of License 6882 (Application 15841)

Marvin Sheppard

ORDER ISSUING AN AMENDED LICENSE

SOURCE: Mormon Creek, tributary to the Stanislaus River

COUNTY: Tuolumne


WHEREAS:

1. The State Water Resources Control Board (State Water Board) issued License 6882 to Marvin Sheppard on December 20, 2006.
2. A typographical error was found in the Public Lands Survey System description in the Amended License and its project map. The Point of Diversion was erroneously described as being located within the SE¼ of NE¼ of Section 32, T1N, R13E, MDB&M.
3. The corrected location for the reservoir is: "...being within SE¼ of NE¼ of Section 32, T2N, R14E, MDB&M."

THEREFORE, IT IS ORDERED:

The attached Amended License 6882 is issued, superseding former Amended License 6882 issued on December 20, 2006. The priority of Amended License 6882 is April 19, 1954.

STATE WATER RESOURCES CONTROL BOARD


Victoria A. Whitney, Chief
Division of Water Rights

Dated:

APR 23 2007



STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 15841
Page 1 of 4

PERMIT 10169

LICENSE 6882

THIS IS TO CERTIFY, That

Marvin Sheppard
P.O. Box 1148
Palo Alto, CA 94302

has the right to the use of the waters of **Mormon Creek** in **Tuolumne County**
tributary to **Stanislaus River**

for the purpose of **Recreational, Wildlife Enhancement and Fire Protection uses.**

Amended License 6882 supersedes the license originally issued on **June 11, 1963**, which was perfected in accordance with the laws of California, the Regulations of the State Water Resources Control Board (State Water Board), or its predecessor, and the terms of **Permit 10169**. The priority of this right dates from **April 19, 1954**. Proof of maximum beneficial use of water under this license was made as of **July 10, 1962 and April 22, 2004**, (the dates of inspection).

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **eighteen (18) acre feet per annum to be collected from November 1 of each year to June 1 of the succeeding year.**

The capacity of the reservoir covered by this license shall not exceed 18 acre-feet.

After the initial filling of the reservoir, the licensee's right under this license extends only to water necessary to keep the storage reservoir full by replacing water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair. This right shall be exercised only during the authorized diversion season.

(0000040)

This license does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

Unless a change is approved by the State Water Board, water used under this license may be diverted, rediverted, stored and used only as specified below:

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

By California Coordinate System of 1927, Zone 3, North 541,135 feet and East 2,013,944 feet, being within SE¼ of NE¼ of Section 32, T2N, R14E, MDB&M.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

At reservoir within SE¼ of NE¼ of Section 32, T2N, R14E, MDB&M, as shown on map on file with the State Water Board.

This license does not authorize the inundation of properties not belonging to licensee.

Licensee shall maintain an outlet pipe, satisfactory to the Chief of the Division of Water Rights, capable of releasing water entering the reservoir that is not authorized for appropriation under this license. This outlet must return water to Mormon Creek as near to the base of the dam as practicable.

(0000043)

Licensee shall maintain in the reservoir a staff gage, satisfactory to the Chief of the Division of Water Rights, for the purpose of determining water levels in the reservoir. Licensee shall record the staff gage reading on or about the first day of each month, as well as at any time adjustments to the release valve are made. The recorded staff gage readings shall be maintained by the Licensee in a clearly legible format and supplied to the Division of Water Rights upon request.

(0100047)

In compliance with section 5937 of the Fish and Game Code, if storage or diversion of water authorized by this license is by means of a dam, licensee shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Game, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir.

(0140069)

(0210069)

If at any time between June 1 and November 1, the reservoir is not full, Licensee shall release a sufficient amount of inflow such that the water level in the reservoir does not increase until after November 1.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the State Water Board.

Licensee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

The quantity of water diverted under this license is subject to modification by the State Water Board if, after notice to the licensee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the State Water Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD

A handwritten signature in dark ink, appearing to read "John O'Hagan, Jr.", is written over the typed name of Victoria A. Whitney.

*Victoria A. Whitney, Chief
Division of Water Rights*

Dated: **APR 23 2007**

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of License 6882 (Application 15841)

Marvin Sheppard

**ORDER PARTIALLY REVOKING AND ISSUING AN
AMENDED LICENSE**

SOURCE: Mormon Creek, tributary to the Stanislaus River

COUNTY: Tuolumne

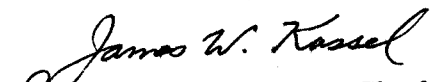
WHEREAS:

1. The State Water Resources Control Board (State Water Board) issued License 6882 to Wesley C. Reynolds and Sarah A. Reynolds on June 11, 1963. The Division of Water Rights' (Division) records show Marvin Sheppard (Licensee) as the owner of License 6882. The license authorizes the Licensee to divert 20 acre-feet to storage from about November 1 to about June 1 of the succeeding year for the purpose of irrigating 26 acres.
2. Triennial Reports of Licensee submitted by holders of License 6882 state that Recreation, Wildlife Enhancement and Fire Protection uses were made at the reservoir as incidental uses to the Irrigation use authorized by the license. Section 798 of Title 23, California Code of Regulations allows that incidental uses at a reservoir can be added to the license at any time provided no one would be affected.
3. On April 22, 2004, the Division conducted a field inspection of the project served by License 6882. The reservoir was surveyed to have a capacity of 18 acre-feet. Division staff found that Licensee discontinued using stored water for Irrigation purposes but continued to store water for Recreation, Wildlife Enhancement and Fire Protection purposes. Division staff concludes that no harm is caused by these ongoing incidental uses at the reservoir and recommend that such uses be added to License 6882. Division staff later determined that the pipeline formerly used to irrigate the 26-acre place of use has been disconnected from the reservoir outlet pipe.
4. The Division's letter to the Licensee, dated July 16, 2004, proposed the amendments to License 6882 as a resolution of a water right complaint. The recommended amendments restrict the diversion of water into the reservoir for Recreation, Wildlife Enhancement and Fire Protection purposes, eliminate Irrigation as a consumptive use and restrict collection of water to amounts necessary to replace evaporation and seepage losses, unless maintenance is needed.
5. The Licensee did not object to the informal proposal to amend License 6882, or request a hearing within 15 days from the date of the Notice of Proposed Partial Revocation and Issuance of Amended License 6882.
6. The State Water Board has determined the Amended License does not constitute an initiation of a new right, and does not injure prior rights or the public trust resources of the state.

THEREFORE, IT IS ORDERED:

1. The amount authorized for collection shall be reduced from 20 acre-feet to 18 acre-feet and the season of diversion shall be November 1 of each year to June 1 of the succeeding year.
2. Recreation, Wildlife Enhancement and Fire Protection uses at the reservoir shall be added to the license as authorized purposes of use, and the reservoir shall be added as a place of use pursuant to section 798, Title 23, California Code of Regulations. Irrigation use and the 26-acre place of use shall be deleted from the license.
3. Standard Term 40 shall be added to the license. Term 40 limits the collection of water to the amount necessary to keep the storage reservoir full by replacing water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair. The right to replace water lost by evaporation and seepage, or to refill the reservoir, shall only be exercised during the authorized diversion season.
4. Standard Term 47 shall be added to the license. Term 47 requires Licensee to install and maintain in the reservoir a staff gage, satisfactory to the Chief of the Division, for the purpose of determining water levels in the reservoir. Licensee shall record the staff gage reading on or about the first day of each month, as well as at any time adjustments to the release valve are made. The recorded staff gage readings shall be maintained by the Licensee in a clearly legible format and supplied to the Division upon request. If at any time between June 1 and November 1, the reservoir is not full, Licensee shall release a sufficient amount of inflow such that the water level in the reservoir does not increase until after November 1.
5. A special term shall be added clarifying that the license does not confer the right to inundate upstream property with storage undertaken by the Licensee.
6. Standard Term 69 shall be added to the license. Term 69 requires compliance with section 5937 of the Fish and Game Code. If storage or diversion of water authorized by this license is by means of a dam, licensee shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Game, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir.
7. The State Water Board's standard license terms pertaining to continuing authority, water quality objectives, protection of endangered species, and the need for a State Department of Fish and Game stream alteration agreement should be updated or added.
8. The attached Amended License 6882 is issued, superseding former License 6882 issued on June 11, 1963. The priority of Amended License 6882 is April 19, 1954.

STATE WATER RESOURCES CONTROL BOARD


for Victoria A. Whitney, Chief
Division of Water Rights

Dated:

DEC 20 2006



STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 15841
Page 1 of 4

PERMIT 10169

LICENSE 6882

THIS IS TO CERTIFY, That

Marvin Sheppard
P.O. Box 1148
Palo Alto, CA 94302

has the right to the use of the waters of **Mormon Creek** in **Tuolumne County**
tributary to **Stanislaus River**

for the purpose of **Recreational, Wildlife Enhancement, and Fire Protection uses.**

Amended License 6882 supersedes the license originally issued on **June 11, 1963**, which was perfected in accordance with the laws of California, the Regulations of the State Water Resources Control Board (State Water Board), or its predecessor, and the terms of **Permit 10169**. The priority of this right dates from **April 19, 1954**. Proof of maximum beneficial use of water under this license was made as of **July 10, 1962 and April 22, 2004**, (the dates of inspection).

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **eighteen (18) acre feet per annum to be collected from November 1 of each year to June 1 of the succeeding year.**

The capacity of the reservoir covered by this license shall not exceed 18 acre-feet.

After the initial filling of the reservoir, the licensee's right under this license extends only to water necessary to keep the storage reservoir full by replacing water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair. This right shall be exercised only during the authorized diversion season.

(0000040)

This license does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

Unless a change is approved by the State Water Board, water used under this license may be diverted, rediverted, stored and used only as specified below:

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

By California Coordinate System of 1927, Zone 3, North 541,135 feet and East 2,013,944 feet, being within SE¼ of NE¼ of Section 32, T1N, R13E, MDB&M.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

At reservoir within SE¼ of NE¼ of Section 32, T1N, R13E, MDB&M, as shown on map on file with the State Water Board.

This license does not authorize the inundation of properties not belonging to licensee.

Licensee shall maintain an outlet pipe, satisfactory to the Chief of the Division of Water Rights, capable of releasing water entering the reservoir that is not authorized for appropriation under this license. This outlet must return water to Mormon Creek as near to the base of the dam as practicable.

(0000043)

Licensee shall maintain in the reservoir a staff gage, satisfactory to the Chief of the Division of Water Rights, for the purpose of determining water levels in the reservoir. Licensee shall record the staff gage reading on or about the first day of each month, as well as at any time adjustments to the release valve are made. The recorded staff gage readings shall be maintained by the Licensee in a clearly legible format and supplied to the Division of Water Rights upon request.

(0100047)

In compliance with section 5937 of the Fish and Game Code, if storage or diversion of water authorized by this license is by means of a dam, licensee shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Game, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir.

(0140069)

(0210069)

If at any time between June 1 and November 1, the reservoir is not full, Licensee shall release a sufficient amount of inflow such that the water level in the reservoir does not increase until after November 1.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the State Water Board.

Licensee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

The quantity of water diverted under this license is subject to modification by the State Water Board if, after notice to the licensee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the State Water Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD

James V. Kaseel
for Victoria A. Whitney, Chief
Division of Water Rights

Dated: DEC 20 2006



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 15841

PERMIT 10169

LICENSE 6882

THIS IS TO CERTIFY, That

Wesley C. Reynolds and Sarah A. Reynolds

20331 Craigen Court

Saratoga, California

Notice of Change (Over)

have made proof as of July 10, 1962,
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
Mormon Creek in Tuolumne County

tributary to Stanislaus River

for the purpose of irrigation use
under Permit 10169 of the State Water Rights Board and that said right to the use of said water has been
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from April 19, 1954,
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed twenty (20) acre-feet per
annum to be collected from about November 1 of each year to about June 1 of the
succeeding year.

The point of diversion of such water is located :

South four hundred thirty (430) feet and west five hundred (500) feet from NE
corner of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32, T2N, R14E, MDB&M, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of
said Section 32.

A description of the lands or the place where such water is put to beneficial use is as follows:

6 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32, T2N, R14E, MDB&M
3 acres within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32, T2N, R14E, MDB&M
15 acres within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32, T2N, R14E, MDB&M
2 acres within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32, T2N, R14E, MDB&M

26 acres total

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

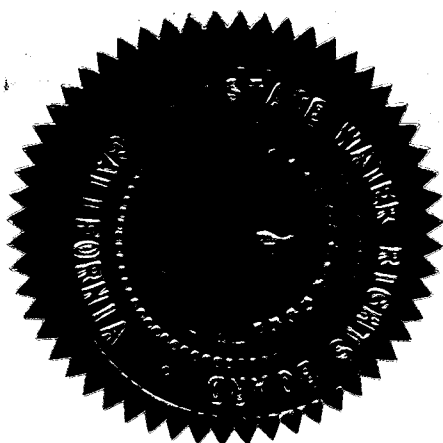
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JUN 11 1963



L. K. Hill
L. K. Hill
Executive Officer

11/22/68 Int. of Wesley C. Reynolds chgd to
Estate of Wesley C. Reynolds

11/22/68 NOTICE OF ASSIGNMENT TO Sarah A. Reynolds
6-28-76 NAME CHANGED TO ESTATE OF SARAH A.
REYNOLDS.

7-26-76 Records Chgd to show Bank of America NT&SA,
Conservator for Sarah Reynolds,

1-22-81 asgd to Sarah Ann Reynolds.

5-18-89 asgd to: Estate of Sarah Ann Reynolds, Richard E. Shore, Executor

9/12/90 asgd to Robert + Renee Callahan

LICENSE 6882

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Wesley C. and Sarah A.
Reynolds

DATED JUN 11 1963

47689 8-61 3M ① SPO

MAR 26 '63 M.J.B.